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5 UNITED STATES DISTRICT COURT

6 EASTERN DISTRICT OF CALIFORNIA

7 SCOTT WOOD, CHARLES W. JUDSON, ) Case No.: S-03-2592 DFL PAN  
WILLIAM BATES, SYBILLE GROTE, )  
8 MARTIN REEVES, ERNEST STEWART, ) [PROPOSED] ORDER GRANTING  
STEVE FORSYTHE, ROBERT BADILLA, ) CLASS CERTIFICATION  
9 BRIAN THOMPSON, KARVIN TILANDER, )  
CHARLES ("CHUCK") JENNINGS, )  
LORENZO RAMIEREZ and MINDY )  
11 GABRIEL on behalf of themselves and all )  
others similarly situated, )

12 Plaintiff, )  
13 vs. )  
14 )  
15 GRANITE CONSTRUCTION COMPANY )  
and FEDERAL INSURANCE COMPANY )  
16 )  
Defendants )

17 SCOTT WOOD, CHARLES W. JUDSON, ) Related Case No.: CIV S-03-02514 DFL PAN  
WILLIAM BATES, SYBILLE GROTE, )  
18 MARTIN REEVES, ERNEST STEWART, )  
STEVE FORSYTHE, ROBERT BADILLA, )  
19 BRIAN THOMPSON, KARVIN TILANDER )  
and CHUCK JENNINGS, on behalf of )  
20 themselves and all others similarly situated, )

21 Plaintiff, )  
vs. )  
22 )

23 VALENTINE SURFACING, TRAVELERS )  
CASUALTY AND SURETY COMPANY OF )  
24 AMERICA and UNITED PACIFIC )  
INSURANCE COMPANY, )  
25 )

Defendants )

1           The Motion of Scott Wood, et. al. for class certification came on regularly for hearing  
2 before this Court before the Honorable David F. Levi, Presiding, and Mark R. Thierman  
3 appeared as attorney for Plaintiff and Scott Oborne appeared as attorney for Defendants.

4           After full consideration of the evidence and on the separate statements of each party, and the  
5 authorities submitted by counsel, as well as counsel's oral argument, the Court finds that there is  
6 sufficient commonality, typicality, and numerosity to support class certification and makes the  
7 following findings:

8           1.       This action is maintainable as a class action under Federal Rules of Civil Procedure Rule  
9 23(b)(3) .

10          2.       The class is certified to be all truck drivers employed by Harco Trucking Company who  
11 were entitled to, but were not paid, the prevailing wage rate for work done on defendant Granite  
12 Construction's public works projects in California within four (4) years from the filing of the  
13 complaint herein and Nevada within six (6) year of the filing of the Complaint herein.

14          3.       The Court may later establish subclasses such as all class members working on California  
15 and/or Nevada jobs who drove certain types of equipment, or who performed certain tasks, as  
16 well as those class members who worked on California jobs for which a notice of completion  
17 was not filed within 180 days of the filing of this lawsuit.

18          4.       The individual plaintiffs may act as representatives of the class.

19          5.       Mark R. Thierman and the Thierman Law Firm are appointed as counsel for the class.

20           IT IS SO ORDERED.

21           Dated this 2nd day of \_November, 2005

22           /s/ David F. Levi

23           \_\_\_\_\_  
24           Honorable David F. Levi

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